

**Town of Bethany Beach  
Planning Commission Minutes  
July 17, 2010**

The Bethany Beach Planning Commission held a meeting on Saturday, July 17, 2010 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Chuck Peterson; Kathleen Mink; John Gaughan; and Fulton Loppatto.

The following member was excused: Faith Denault

Also Present: Jeff Mascornick, Intern; Susan Frederick, Building Inspector; Mayor Tony McClenny; and Lindsey Shallcross, Administrative Secretary.

The meeting was called to order at 9:02 a.m.

**OPENING OF MEETING**

*Approval of Agenda*

Mr. Gaughan made a motion to approve the agenda. Mr. Loppatto seconded the motion and it was unanimously approved.

*Discussion/Approval of the Planning Commission Minutes of June 19, 2010*

After one correction, Mr. Peterson made a motion to approve the minutes dated June 19, 2010. Seconded by Ms. Mink, the motion was unanimously approved.

*Announcements/Comments/Updates*

**Non-Residential Design Review Update (Killmer/Denault)**

There was no meeting so there was no report.

**Comments/Updates Regarding the June Town Council Meeting (Killmer)**

Mr. Killmer reported the following on the Mediacom Public Hearing:

- A public hearing on the possible renewal of the contract with Mediacom was held prior to the Town Council meeting, in which approximately twenty-five (25) people attended. Mediacom representative, Mr. Dave Kane was also present.

The Town has a fifteen (15) year contract with Mediacom, which expires November 2012. Mediacom has  $\approx$  1.3 million customers compared to  $\approx$  90 million customers for Comcast.

Mr. Kane reported that Mediacom's cost of installing cable is  $\approx$  \$26,000 per mile, with only about twenty-one (21) houses per mile actually connected to Mediacom's network. Most residents at the hearing had complaints regarding the quality of service, the lack of a large variety of high definition channels and the lack of flexibility regarding pricing for various plans. The Town has joined with other surrounding Towns serviced by Mediacom in hiring a legal firm that specializes in negotiating contracts with telecommunication companies for the purpose of obtaining the best programming at a fair price for our communities.

Mr. Killmer provided the following report on the Town Council meeting:

- Approved a contract submitted by Sea Ray, LLC for the replacement of shingles on the Town Hall for the amount of \$31,880.
- Approved additional budget expenses in regards to post employment health care benefits and to amend the Fiscal Year 2011 budget to increase the Debt Service Budget by \$91,000.
- A resolution adopting the All Hazard Mitigation Plan for the Town of Bethany Beach was approved.
- Voted to cancel the September Town Council meeting.

#### **Comments, Q&A and Discussion for Planning Commissioner Members (All)**

Mr. Killmer explained the Planning Commission may have to replace three (3) members during the next term in September.

Ms. Denault and Ms. Mink will be stepping down from the Commission.

#### **NEW BUSINESS**

##### *Review and Possibly Vote On Proposed Changes To Chapter 525 Of The Town Code "Wireless Telecommunications Facilities-Article II-Amateur Radio Antennas"*

The Commission reviewed the document of requested changes to the Town Code regarding Chapter 525 Wireless Telecommunication Facilities that was created by Mr. Killmer, with input from Mayor McClenny who has operated an Amateur Radio Emergency Service (ARES) station for the past several years.

Mayor McClenny feels that it is absolutely mandatory to have a series of stations, which are interconnected during both normal and emergency times.

The current Code is as follows:

525-9. Standards.

- A. Lowering devices. All amateur radio antennas, capable of a maximum extended height in excess of 40 feet, with the exception of whip antennas, shall be equipped with a motorized or hand cranked device, which permits easy raising and lowering of the antenna.
- B. Permitted height.
  - (1) The height of an antenna shall be measured from the natural grade at the point the mast touches, or if extended, would touch the ground.
  - (2) No part of any amateur radio antenna shall extend to a height of more than 75 feet above natural grade of the site on which the antenna is installed.
  - (3) When not in operation, no part of any amateur radio antenna, excepting whip antenna, shall extend to a height more than 32 feet measure above natural grade of the site on which the antenna is installed.
- C. Numbers permitted.

One amateur radio antenna structure and one whip antenna shall be permitted on each building site.

The requested changes are as follows in red:

- Entire Elimination of 525-9-A
- Eliminate 525-9-B (3)
- Renumbering of former section 525-9B to 525-9A
- Renumbering of former section 525-9C to 525-9B as well as a change in the text.
- New 525-9-C

525-9. Standards. (Proposed Updated Section)

- A. Permitted height.
  - (1) The height of an antenna shall be measured from the natural grade at the point the mast touches, or if extended, would touch the ground.
  - (2) When in operation, no part of any amateur radio antenna shall extend to a height of more than 75 feet above natural grade of the site on which the antenna is installed.
- B. Numbers permitted.

One amateur radio tower structure shall be permitted on each building site. A tower may support up to five (5) antennae for the various bands and models allowed for Amateur Radio Operators by the Federal Communication Commission (FCC).
- C. It is the responsibility of the property owner to have the radio antenna structure taken down prior to the transfer of the ownership of the property.

Mr. Gaughan questioned if the Federal Communications Committee has any standards or regulations regarding antennas in coastal communities and if the Federal Emergency Management Agency (FEMA) has any guidance.

Mayor McClenny explained that the Town must allow a reasonable height, seventy-five (75) feet from both sides.

Mr. Gaughan suggested researching other towns to see what their regulations are.

Mr. Killmer emphasized that this could be a more substantial issue than what should be dealt with.

Mr. Loppatto expressed that “Wireless Telecommunication” is the incorrect term to use in the title of the document.

Mr. Gaughan made a motion to transfer the issue of reviewing and possibly voting on the proposed changes to Chapter 525 of the Town Code “Wireless Telecommunications Facilities-Article II- Amateur Radio Antennas” to the Charter and Ordinance Review Committee. Ms. Mink seconded the motion and it was unanimously approved.

## **OLD BUSINESS**

### *Continue to Update the 2005 Bethany Beach Comprehensive Plan*

Mr. Killmer expressed his appreciation to the Planning Commission members for all of their work towards updating the Comp. Plan.

Ms. Frederick reported that she received an e-mail from Town Clerk, Lisa Kail, regarding housing.

Ms. Frederick is going to update the percentages on housing. She also acknowledged that she has a map that highlights the usable vacant lots.

The Commission ensued a discussion on using the 2010 Census for information.

Mr. Killmer explained that the 2010 Census will not be available for some time.

Mr. Peterson advised that the 2010 Census shouldn’t be immediately ruled out.

### *Possible Status Reports of Individual Planning Commission Members Regarding Strategic Plan Assignments*

#### *Goal Statement-Business District Document (Peterson)*

The Commission reviewed and discussed the Goal Statement document that was drafted by Mr. Peterson, and then made revisions to the recommendations.

Mr. Killmer explained that this section must be brought to the Town Council at some point in time.

Mr. Killmer stated that he is satisfied with the amended document. He added that it addresses all of the necessary points.

Mr. Peterson is going to make the recommended changes to the document as amended and send it to the Planning Commissioners and Mr. Mascornick.

Mr. Peterson made a motion to include this section in the updated Comp. Plan. Mr. Gaughan seconded the motion and it was unanimously approved.

#### *Green Bethany Document (Loppatto)*

The Commission reviewed the Green Bethany document submitted by Mr. Loppatto.

Mr. Killmer noted that he is happy with the format of this document. However, he explained that some ideas could be controversial.

The Commissioners made modifications to the document.

Ms. Mink emphasized that there is the safety perspective verses the environmental perspective of the Town.

The Commission discussed the impact that safety improvements have on the environment.

Mr. Peterson made a motion to include the Green Bethany Environment section as amended in the Comp. Plan. Seconded by Mr. Gaughan, the motion was unanimously approved.

#### **SUMMARIZE ACTION ITEMS**

- A. Mr. Killmer is going to draft a document regarding infrastructure related issues and meet with Town Manager, Cliff Gravier, to review and discuss it.
- B. Ms. Denault is going to develop a final report on public safety.

#### **ADJOURN**

Mr. Killmer made a motion to adjourn the meeting. Mr. Gaughan seconded the motion and it was unanimously approved.

The meeting was adjourned at 10:32 a.m.

Respectfully Submitted:

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Lindsey Shallcross, Admin. Secretary